

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

IN RE:	)	
	)	
DAVID BYRON PIERCE	)	CASE NO.: 07-11839 NLJ
HOLLIE DEAN PIERCE,	)	
	)	
DEBTORS.	)	CHAPTER 13
SS#: xxx-xx-7154	)	
SS#: xxx-xx-8314	)	

MOTION TO MODIFY CHAPTER 13 PLAN

COME NOW the Debtors, David and Hollie Pierce, by and through their attorneys of record, Deborah L. Brooks and Angela N. Stuteville, and hereby move this Court to modify the Chapter 13 Plan herein which was previously confirmed by this Court. In support thereof, the Debtors state:

1. On May 31, 2007, the Debtors commenced these bankruptcy proceedings with the filing of their Voluntary Petition for relief under Chapter 13 of the Bankruptcy Code.

2. On August 23, 2007, this Court entered its Order Confirming the Debtors' Chapter 13 Plan.

3. The Debtors current address is: 6508 NW 109<sup>th</sup>, Oklahoma City, Oklahoma 73162.

4. Since the time the Plan was confirmed, the Debtors have fell behind in their plan payments. Mrs. Pierce was unemployed for three months and the Debtors were unable to keep up with their plan payments and their regular living expenses. The Debtors request that they be allowed to cure the arrears by increasing their

monthly payment.

WHEREFORE, it is respectfully requested that this Court modify the Chapter 13 Plan herein specifically and solely as follows:

1. To allow the Debtors to be treated as current through September, 2008
2. To allow the Debtors to increase their monthly plan payment, from \$2,895.00 per month to \$3,632.00 per month, beginning with the October, 2008 payment and continuing for the remainder of the plan term to cure the arrears; and
3. To allow attorney fees of \$350.00 to be paid to Deborah Brooks and Associates, P.C., at the rate of \$75.00 per month, for time involved in the presentation of this motion.

These modifications will reduce the percentage paid to unsecured creditors or extend the Plan term beyond sixty (60) months.

Respectfully submitted this 16<sup>th</sup> day of October, 2008.

DEBORAH BROOKS & ASSOCIATES, P.C.

/s/ Angela N. Stuteville  
**Deborah L. Brooks, OBA #015684**  
**Angela N. Stuteville, OBA #19231**  
One Western Plaza  
5500 N. Western, Suite 130  
Oklahoma City, Oklahoma 73118  
(405) 840-6363

ATTORNEYS FOR DEBTORS

NOTICE OF TIME FOR RESPONSE

Notice is hereby given that any objection to the above and foregoing instrument must be filed and served upon the movant within twenty (20) days after service of said motion.

If no objection to said motion is timely filed and served, an Order may be presented to the Court for approval.

CERTIFICATE OF MAILING OR ELECTRONIC TRANSMISSION

This is to certify that on the 17<sup>th</sup> day of October, 2008, a true and correct copy of the above and foregoing instrument was mailed by U.S. mail, postage prepaid, or electronically transmitted, to all of the following creditors and parties of interest:

John Hardeman  
*Chapter 13 Trustee*  
P.o. Box 1948  
Oklahoma City, Ok 73101

David and Hollie Pierce  
6508 Nw 109<sup>th</sup>  
Oklahoma City, Ok 73162

American Honda Finance Corp  
Po Box 168088  
Irving, Tx 75016

Litton Loan Servicing  
Po Box 4387  
Houston, Tx 77210-4387

Shapiro Marianos & Cejda Llp  
770 Ne 63rd St  
Oklahoma City, Ok 73105-0000

Barclays Capital  
% Homeq  
Po Box 79230  
City of Industry, ca 91716-9230

Cheryl Grob  
3716 Nw 48 Circle  
Oklahoma City, Ok 73112-0000

Steve Ferguson  
5101 Classen Blvd  
Oklahoma City, Ok 73118

Layla J Dougherty  
Love Beal & Nixon Pc  
Po Box 32738  
Oklahoma City, Ok 73123

Brice Vander Linden & Wernick  
Po Box 829009  
Dallas, Tx 75382-9009

Andrew Goldberg  
% Rosicki Rosicki & Assoc  
51 E Bethpage Road  
Plainview, Ny 11803

/s/ Angela N. Stuteville  
Deborah L. Brooks  
Angela N. Stuteville

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